

# **Transportation Conformity Working Group**

## **Interagency Consultation**

### **Meeting Summary**

**Friday, July 9, 2004**

**10.00 AM – 12.00 PM**

**SCAG Offices  
818 West Seventh Street  
12<sup>th</sup> Floor, San Bernardino A & B  
Los Angeles, CA 90017**

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The Transportation Conformity Working Group (TCWG) held its monthly meeting on Friday, July 9, 2004 in the San Bernardino Conference Room of the Southern California Association of Governments (SCAG). The following summary is intended to be indicative of the matters discussed. An audio recording of the entire meeting is available for review at SCAG's office.

#### **1.0 CALL TO ORDER**

The meeting was called to order at about 10:00 AM by the Chair, Douglas Kim, Metropolitan Transportation Authority (MTA).

#### **2.0 WELCOME AND SELF-INTRODUCTIONS**

##### **ATTENDANCE:**

##### **In Person:**

Chair, Douglas Kim, MTA  
Ashad Hamideh, MTA  
Ashwani Vasishth, SCAG  
Ben Ku, MTA  
Carla Walecka, TCA  
Charles Keynejad, SCAG  
Eric Carlson, MTA  
Kalieh Honish, MTA  
Leann Williams, Caltrans District 7  
Mike Gainor, SCAG  
Nancy Maroquin, MTA  
Naresh Amatya, SCAG  
Rich Macias, SCAG  
Rosemary Ayala, SCAG  
Sandra Balmir, FTA/FHWA  
Sylvia Patsaouras, SCAG

##### **Via Teleconference/Videoconference:**

Ben Cacatian, VCAPCD  
Dennis Wade, CARB  
Gabe Ruiz, CARB  
Jean Mazur, FHWA  
John Kelly, US EPA  
Lisa Poe, SANBAG

Mike Brady, Caltrans  
Paul Fagan, Caltrans District 8  
Sandy Johnson, Caltrans District 11

### **3.0 PUBLIC COMMENT PERIOD**

There were no public comments at this meeting.

### **4.0 APPROVAL OF THE MAY 14, 2004 MEETING SUMMARY**

The Meeting Summary was approved, with no changes.

### **5.0 INFORMATION ITEMS**

#### **5.1 2004 RTP – Final Federal Action (FHWA Staff)**

Jean Mazur, FHWA, noted that the 2004 RTP was now fully approved. Most of the RTP was approved on June 7, 2004, with the exception of Ventura County and the Southeast Desert Modified Area, where the adequacy finding on the mobile source emission budgets had then been pending. On June 16, 2004, those areas were approved as well.

Sandra Balmir, FHWA, clarified that FHWA does not approve the RTP, per se, but only the conformity determination portion of the Plan. As such, there is no endorsement of the RTP implied in this action.

Charles Keynejad, SCAG, thanked all air and transportation agencies at the local, state and federal levels who had expedited processing of the conformity determination, to ensure that the SCAG region did not suffer a lapse. Chair Kim noted that the region now had a conforming RTP through June 7, 2007.

Leann Williams, Caltrans District 7, asked as to the effective date of the conformity determination. Ms. Balmir stated that this would be June 7, 2004, even though a portion of the RTP was approved on June 16, 2004. This was because FHWA/FTA did not want to break the RTP into pieces. Ms. Mazur noted that the determination letter specified June 7, 2004 as the approval date.

#### **5.2 Draft 2004 RTIP Update (Rosemary Ayala, SCAG)**

Rosemary Ayala, SCAG, stated that the draft 2004 RTIP had been released on June 18, 2004, for public comment. A number of public workshops had already been held and more would follow. So far, there had been no public comment received through the workshop process, but the funding agencies had informally provided preliminary comments, and Staff was working to provide clarificatory information on the financial plan.

Ms. Balmir stated that FHWA was still preparing its formal comment letter, but in discussion with key people, it seemed that the two largest concerns were with the TCM timely implementation reporting and with the financial plan portions of the RTIP. In the financial plan portion, there was no clear representation of fiscal constraints, and FHWA would like to see a more refined discussion of the changes in state and federal funding that was occurring, and the effects these would have on the region. Ms. Ayala pointed out that there was extensive information on the funding agencies revenue and expenditure streams. Ms. Balmir responded that there was extensive information on revenue streams but insufficient information on expenditures. FHWA would like to see a clearer representation of revenues and expenditures to allow a determination that the RTIP was fiscally constrained.

With regard to the TCM Timely Implementation Report, there was insufficient information to determine whether the projects were being implemented in a timely manner or not, since the originally expected completion dates, at the time the projects were committed, had not been presented. The project status column did not, in itself, indicate whether the project was lagging behind schedule or not. Ms. Mazur added that she had done a few spot checks and had found that, at least in some of the cases, project completion dates had changed. As such, this level of detail was necessary to permit an evaluation of timely implementation.

In addition, Ms. Balmir stated that the Timely Implementation Report needed to reflect current changes in the State budget, as it was already clear to her that at least some of the projects would probably not move to completion in a timely manner. Sylvia Patasouras, SCAG, commented that this was contrary to the guidance provided earlier, and on which the County Transportation Commissions (CTCs) had based their reporting, that the RTIP should be developed on the basis of earlier budget estimates, so as to permit timely preparation of the document.

Ms. Balmir stated that on the basis of conversations she had had within the region, it was clear to her that there were TCM projects that would not be completed in the projected timeframes due to insufficient funding. She emphasized that such issues needed to be discussed at this time. Ms. Mazur interjected that lack of funding was not an acceptable reason for delay, in the case of TCMs. In order for the conformity portion of the RTIP to be approved, the document needed to show that any obstacles to implementation had been removed and the projects were on track for timely implementation. Ms. Balmir stated that she knew that discussions about funding shortfalls were already taking place with the region, but these needed to be reflected in the RTIP.

Rich Macias, SCAG, stated that this information would be provided in the final RTIP document, and that SCAG would continue its conversations within the region to emphasize the need for funding and implementation priority for TCM projects.

Chair Kim asked about the timetable in moving the RTIP toward submission for federal approval. Ms. Ayala stated that, at this time, it was proposed to bring the RTIP forward for SCAG Regional Council approval at the August meeting. As the conformity determination on the previous RTIP expired October 4, 2004, and since the RTIP needed to be assessed by Caltrans prior to its submission to FHWA/FTA, there was little room for delay.

Ms. Mazur asked for clarification on the language in the regional emissions analysis portion, where reference seemed to be made interchangeably between no-build/build and baseline/plan. Mr. Keynejad stated that some portions of the emissions report had been written by the modeling section, and some by the planning staff, and that these conflicts in terminology would be resolved in the final RTIP document.

### **5.3 AQMP/SIP Update (US EPA Staff)**

Chair Kim asked for an update on the Ventura County and Southeast Desert Modified Area SIPs. Mr. Keynejad stated that the May 28<sup>th</sup> Federal Register notice attached to the agenda package indicated the actions taken by US EPA on these SIPs, using the emission budgets for their adequacy finding.

### **5.4 Imperial County PM10 Court Decision (US EPA/CARB/ICAPCD Staff)**

Gabe Ruiz, CARB, stated that the US Supreme Court had declined to review an order by the US Ninth Circuit Court to US EPA to amend Imperial County's non-attainment status for PM10 from moderate to serious. The original order by the Ninth Circuit Court had been reactivated on June 30, 2004, and US EPA was now preparing a Federal Register notice announcing the reclassification. There had been no formal discussions on the timeline for

resubmitting the SIP, but, based on the Clean Air Act, the Imperial County APCD had 18 months after the formal reclassification to submit a suitable SIP. Mr. Keynejad asked whether on-road mobile sources were considered significant, since this might trigger the need for emission budgets. Mr. Ruiz stated that this was not completely clear, although the issue had been under consideration for some time. But he would update the group as matters developed. Mr. Keynejad stated that SCAG's most recent planning assumptions should be used for the SIP.

## **6.0 OTHER ISSUES**

### **6.1 TEA-Reauthorization Update (FHWA Staff)**

Jean Mazur stated that Mr. Keynejad had asked for a clarification on the CMAQ funding component of the reauthorization, and that she had prepared a matrix describing current information. With regard to changes in the appropriations formula, no major changes were expected, and the formula would probably continue to be weighted based on pollutants, non-attainment status and population. Population remained the most significant factor, in the Administration's proposal. Under the proposed eight-hour standard, all non-attainment areas would receive the same weighting factor of 1.0. The matrix distributed with the agenda package contained more information on the proposed weighting factors. It was expected that under the PM2.5 standard, non-attainment areas in California would see a reduction from the current level of 23% to 20.5%.

Ashad Hamideh, LA MTA, asked whether this assessment of California's share considered as well the 100 counties that US EPA had recently added to the PM2.5 non-attainment areas list. Ms. Mazur stated that she did not have that level of detail available to her at this time. There was some discussion about alternative potential scenarios. Mr. Keynejad suggested that all questions about CMAQ be consolidated into a single letter seeking clarifications from the federal agencies involved in restructuring the program, and which could also be used to alert elected officials of potential consequences down the road for the region in advance of a finalization of the regulations.

Chair Kim noted that it was his understanding that the legislation seemed to be moving quite slowly, and asked for Ms. Mazur's assessment. She stated that, in her understanding, if Congress did not act by July, that action would be deferred until after the November elections.

### **6.2 EPA's Rule Update (US EPA Staff)**

John Kelly, US EPA, stated that Karina O'Connor was unable to attend this meeting. He stated that the rule was published in the July 1, 2004, Federal Register, in which a couple of errors had since been noted. The table of contents published was not as helpful as had been intended, and would be republished. Also there was a paragraph misplaced in the preamble, which also would be revised.

Mr. Kelly also reminded attendees that US EPA would be holding a conformity training workshop on August 4-5, 2004, in San Francisco.

Mr. Keynejad noted that there had been an FHWA web-conference hosted by the Association of Metropolitan Planning Organizations (AMPO) with regard to changes in the transportation conformity rule. A printout of the Power Point presentation from this was included in the agenda package. He also noted that FHWA would conduct a workshop on August 3, 2004, on conformity under the new standards here in Los Angeles. In addition, three maps had been included in the Agenda package, one describing the PM2.5 areas, and two comparing the 1-hour and the 8-hour Ozone non-attainment area boundaries.

Chair Kim asked for a clarification on the content of the FHWA workshop in Los Angeles. Ms. Mazur stated that it would be focused solely on changes to the conformity rule, and would use a presentation similar to the one used during the AMPO web-conference.

Ben Cacatian, VCAPCD, asked if there was any provision in the new rules that required the local agencies to update their own rules, which used to be called conformity SIPs. Mr. Keynejad stated that the currently proposed reauthorization limits the conformity SIP's focus only on the consultation portion, and not on the rule portion. As such there is no requirement for the rule portion to be updated as part of the conformity SIP. In addition he cautioned that there would be additional changes to the conformity rule following from the finalization of the TEA-3 reauthorization. Ms. Mazur stated that it was her understanding that this conformity SIP provision had never been approved by US EPA, but she would arrange for clarification.

Mr. Keynejad stated that SCAG had posed this question to the federal agencies a year ago, but had never heard back. Mr. Cacatian asked that the TCWG request a clarification at this time, as there were real administrative consequences that hinged upon the response. Mike Brady, Caltrans, agreed that this was a question that begged clarification, as every non-conformity area in the State has a conformity SIP, all of which were in the CARB database, but few of which had been updated recently. But the only area that had an actual approved rule was the Bay Area.

With regard to the consultation and rule portions of the conformity SIP, Mr. Keynejad noted that there was considerable variation in how different areas dealt with the consultation portion of this requirement—some with MOUs, like SCAG, others with local agreements, and so on. He asked Dennis Wade, CARB, if he might be able to get further clarification on this issue.

### **6.3 Update On May 27, 2004 Statewide Conformity Meeting (US EPA Staff)**

Mr. Kelly stated that Karina O'Connor had prepared a summary, and he would have to defer to that. Mr. Brady noted that Ms. O'Connor had circulated the summary in an e-mail and that he had posted a copy of this to the Statewide Transportation Conformity Working Group web page that he had mounted on the Caltrans web site, at:

[http://www.dot.ca.gov/hq/env/air/State\\_CWG/CWGindex.htm](http://www.dot.ca.gov/hq/env/air/State_CWG/CWGindex.htm)

### **6.4 Information Sharing (Open Discussion)**

Mr. Keynejad read out a communication describing the establishment of a fund for the James Ortner Transportation Fellowship established in memory of Mr. Ortner, and expressing an appreciation of Mr. Ortner's contributions to transportation planning. He stated that there was a form attached to the correspondence for those who might want to make a contribution to the fund, and this would be disseminated to the group.

Mr. Keynejad also raised the issue of changing the day of the month on which the TCWG met, and, on the basis of extensive discussions with members, he proposed that the meeting move to the fourth Tuesday of each month, between 10 AM and 12 Noon. There was agreement on this change.

## **7.0 COMMENT PERIOD**

The next meeting of the Transportation Conformity Working Group was set for Tuesday, August 24, 2004, 10:00 AM – 12:00 Noon, at SCAG's Downtown Office.

## **8.0 ADJOURNMENT**

The meeting adjourned at approximately 11:00 AM.